

REC'D BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

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April 2, 1997

OFFICE OF THE  
EXECUTIVE SECRETARY  
IN RE:

BELLSOUTH TELECOMMUNICATIONS, INC.'S ENTRY INTO LONG  
DISTANCE (INTERLATA) SERVICE IN TENNESSEE PURSUANT TO  
SECTION 271 OF THE TELECOMMUNICATIONS ACT OF 1996

DOCKET NO. 97-00309

Response of NEXTLINK to AT&T's "Submission of Principles"

Summary

NEXTLINK, Tennessee, LLC ("NEXTLINK") supports the "Submission of Principles" filed this morning by AT&T Communications of the South Central States, Inc. ("AT&T") in which AT&T suggests that the Tennessee Regulatory Authority ("TRA") must first determine in this proceeding whether or not BellSouth Telecommunications, Inc. ("Bell") is eligible to seek long distance authority under "Track A" or "Track B" of the federal Telecommunications Act.

NEXTLINK agrees with AT&T and other parties that Bell must proceed on Track A of the Act and that Bell's compliance with Track B is not an issue unless the agency decides that Track A is inapplicable.

Therefore, the most sensible course of action is for the TRA, before going further, to request briefs and argument on this issue. Once the TRA determines which track applies, the agency can narrow considerably the scope of these proceedings.

### Discussion

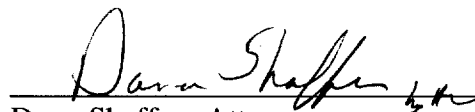
Once Bell submits an application to the FCC asking for authority to provide interLATA service to Tennessee customers, the FCC must “consult” with the TRA “in order to verify” that Bell has complied with “the requirements of subsection (c).” *See* Section 271(d)(2)(B). The reference to “subsection (c)” means that the TRA is asked to advise the FCC whether Bell has complied either with subsection (c)(1)(A) (“Track A”) or with subsection (c)(1)(B) (“Track B”).

In sum, Track A applies in states where competitive local exchange carriers are actively seeking to enter the market. Track B applies if there is no such competition or if the competitors are not acting in good faith.

These two tracks are mutually exclusive. Generally speaking, the statute says that if Track A applies, Bell is ineligible to proceed under Track B. Therefore, as an initial matter, the TRA must determine whether Track A applies. If it does, then all parties agree that Bell has not yet complied with Track A and therefore is not yet able to enter the interLATA market in Tennessee.

This pre-hearing brief is not intended to address the merits of this issue, only to suggest that the TRA resolve this matter before proceeding with the more difficult and time-consuming investigation of whether Bell has complied with Track B.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Dana Shaffer", is written over a horizontal line.

Dana Shaffer, Attorney  
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**Certificate of Service**

I certify that a true and exact copy of the foregoing Response has been sent, via facsimile, to all parties listed below on this the 2nd day of April, 1997:

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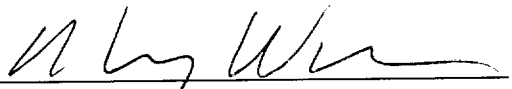
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